



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

SEP 30 2013

Mr. Zack Sampson  
MuckRock News  
DEPT MR 6713  
P.O. Box 55819  
Boston, MA 02205-5819

Subject: Freedom of Information Act Request No. 2013-164 – Final Response

Dear Mr. Sampson:

This responds to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) Office of Inspector General (OIG), dated September 11, 2013, and seeking records released for DHS-OIG FOIA File No. 2012-075 (copy enclosed for reference). DHS-OIG received your request on September 19, 2013, and assigned it the above-referenced tracking number.

DHS-OIG conducts independent investigations, audits, inspections, and special reviews of DHS personnel, programs, and operations to detect and deter waste, fraud, and abuse, and to promote integrity, economy, and efficiency within DHS. We have reviewed the enclosed records under the FOIA to determine whether they may be accessed under the FOIA's provisions. Based on that review, this office is providing the following:

82 pages are released in full (RIF);  
730 pages are released in part (RIP); and  
109 pages are non-responsive to your request and are therefore withheld in full.

The exemptions cited for withholding records or portions of records are marked below.

Freedom of Information Act, 5 U.S.C. § 552			Privacy Act, 5 U.S.C. § 552a
<input type="checkbox"/> 552(b)(1)	<input checked="" type="checkbox"/> 552(b)(5)	<input checked="" type="checkbox"/> 552(b)(7)(C)	<input type="checkbox"/> 552a(j)(2)
<input checked="" type="checkbox"/> 552(b)(2)	<input checked="" type="checkbox"/> 552(b)(6)	<input type="checkbox"/> 552(b)(7)(D)	<input type="checkbox"/> 552a(k)(2)
<input type="checkbox"/> 552(b)(3)	<input type="checkbox"/> 552(b)(7)(A)	<input checked="" type="checkbox"/> 552(b)(7)(E)	<input type="checkbox"/> 552a(k)(5)
<input checked="" type="checkbox"/> 552(b)(4)	<input type="checkbox"/> 552(b)(7)(B)	<input type="checkbox"/> 552(b)(7)(F)	<input type="checkbox"/> Other:

### **Exemption 2, 5 U.S.C. § 552(b)(2)**

Exemption (b)(2) of the FOIA protects from mandatory disclosure documents “related solely to the internal personnel rules and practices of an agency.” *See* 5 U.S.C. § 552(b)(2). DHS-OIG is invoking Exemption 2 to protect account numbers and internal funding codes.

### **Exemption 4, 5 U.S.C. § 552(b)(4)**

Exemption 4 protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential. *See* 5 U.S.C. § 552(b)(4). DHS-OIG is invoking Exemption 4 to protect discount terms, unit prices, and any information that could be used to calculate such unit prices.

### **Exemption 5, 5 U.S.C. § 552(b)(5)**

Exemption 5 of the FOIA protects “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” *See* 5 U.S.C. § 552(b)(5). DHS-OIG is invoking the deliberative process privilege of Exemption 5 to protect information that falls within that privilege’s domain.

### **Exemption 6, 5 U.S.C. § 552(b)(6)**

Exemption 6 allows withholding of “personnel and medical files and *similar files* the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” *See* 5 U.S.C. § 552(b)(6)(emphasis added). DHS-OIG is invoking Exemption 6 to protect the names and initials of lower level employees, non-agency employees, private citizens, and any information that could reasonably be expected to identify such individuals.

### **Exemption 7(C), 5 U.S.C. § 552(b)(7)(C)**

Exemption 7(C) protects from public disclosure “records or information compiled for law enforcement purposes...[if disclosure] could reasonably be expected to cause an unwarranted invasion of personal privacy.” *See* 5 U.S.C. § 552(b)(7)(C). DHS-OIG is invoking Exemption 7(C) to protect the identities of investigative employees and any information contained in these records that could reasonably be expected to identify such individuals.

### **Exemption 7(E), 5 U.S.C. § 552(b)(7)(E)**

Exemption 7(E) protects all law enforcement information that “would disclose techniques and procedures for law enforcement investigation or prosecution, or would disclose guidelines for law enforcement investigations or prosecution if such disclosure could reasonably be expected to risk circumvention of the law.” *See* 5 U.S.C. § 552(b)(7)(E). DHS-OIG is withholding from disclosure specific information which could reasonably be expected to risk circumvention of the law.

## Appeal

You have the right to appeal this response.<sup>1</sup> Your appeal must be in writing and received within 60 days of the date of this response. Please address any appeal to:

FOIA/PA Appeals Unit  
DHS-OIG Office of Counsel  
Stop 0305  
245 Murray Lane, SW  
Washington, DC 20528-0305

Both the envelope and letter of appeal must be clearly marked, "Freedom of Information Act/Privacy Act Appeal." Your appeal letter must also clearly identify the DHS-OIG's response. Additional information on submitting an appeal is set forth in the DHS regulations at 6 C.F.R. § 5.9. If you have any questions about this response, please contact Traci Quan, FOIA/PA Disclosure Specialist, at 202-254-5402.

Sincerely,



Stephanie L. Kuehn  
Senior FOIA/PA Disclosure Specialist

Enclosures

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<sup>1</sup> For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

# Copy of FOIA Request

From: [6713-18888135@requests.muckrock.com](mailto:6713-18888135@requests.muckrock.com)  
To: [FOIA\\_OIG](http://foia.oig)  
Subject: Follow up to Freedom of Information Request: Files released for FOIA # 2012-075  
Date: Wednesday, September 18, 2013 10:58:41 PM

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September 18, 2013  
Department of Homeland Security Office of Inspector General  
245 Murray Lane SW  
Mail Stop - 0305  
Washington, D.C. 20528-0305

This is a follow up to a previous request:

Hello,

The records request below was sent to [foia.oig@dhs.gov](mailto:foia.oig@dhs.gov) without reply. Please confirm receipt.

Thank you.

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On Sept. 11, 2013:

To Whom It May Concern:

This is a request under the Freedom of Information Act. I hereby request the following records:

I am requesting all files released for OIG FOIA # 2012-075.

I also request that, if appropriate, fees be waived as I believe this request is in the public interest. The requested documents will be made available to the general public free of charge as part of the public information service at MuckRock.com, processed by a representative of the news media/press and is made in the process of news gathering and not for commercial usage.

In the event that fees cannot be waived, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Zack Sampson

Filed via MuckRock.com  
E-mail (Preferred): [6713-18888135@requests.muckrock.com](mailto:6713-18888135@requests.muckrock.com)

For mailed responses, please address (see note):  
MuckRock News  
DEPT MR 6713  
PO Box 55819  
Boston, MA 02205-5819

PLEASE NOTE the new address as well as the fact that improperly addressed (i.e., with the requester's name rather than MuckRock News) requests might be returned by the USPS as undeliverable.

Requester's Name: Mr. Zack Sampson

FOIA/PA NO.: 2013-164

## MIXED DOCUMENTS

82 (RIF)

730 (RIP)

           (WIF)

           (DUP)

109 (NR)

           Referred